

JUL 23 2008

JUL 25-658502

Jennifer L. Larson (JL 8114)
HELLER EHRMAN LLP
Times Square Tower
7 Times Square
New York, NY 10036
(212) 832-8300 Telephone
(212) 763-7600 Fax

Attorneys for Plaintiff Philip Morris USA Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PHILIP MORRIS USA INC.,

Plaintiff,

v.

A & V MINIMARKET, INC., a New York Corporation
doing business as A & V MINI MARKET, et al.,

Defendants.

07 Civ. 8359 (LAK)(GWG)

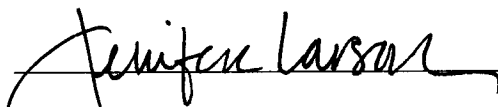
ECF CASE

**NOTICE OF MOTION
FOR ADMISSION OF
KRISTA HARRIS CHEATHAM
PRO HAC VICE PURSUANT
TO LOCAL CIVIL RULE 1.3(c)**

PLEASE TAKE NOTICE that, upon the annexed Affidavits of Jennifer L. Larson and Krista Harris Cheatham In Support of Motion For Admission *Pro Hac Vice*, and the exhibits annexed thereto, Plaintiff Philip Morris USA Inc., by and through its undersigned counsel, will move this Court, before the Honorable Lewis A. Kaplan, at the United States Courthouse, 500 Pearl Street, Courtroom 12D, New York, New York, as soon as counsel may be heard, for an Order pursuant to Local Civil Rule 1.3(c) of the Local Rules for the Southern and Eastern Districts of New York admitting Krista Harris Cheatham to the bar of this Court *pro hac vice* in connection with the above-captioned action.

Dated: New York, New York
July 28, 2008

HELLER EHRMAN LLP

By: _____

Jennifer L. Larson (JL 8114)
Times Square Tower
7 Times Square
New York, NY 10036
(212) 832-8300 Telephone
(212) 763-7600 Fax

Attorneys for Plaintiff Philip Morris USA Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PHILIP MORRIS USA INC.,

Plaintiff,

v.

A & V MINIMARKET, INC., a New York Corporation
doing business as A & V MINI MARKET, et al.,

Defendants.

07 Civ. 8359 (LAK)(GWG)

ECF CASE

**AFFIDAVIT OF JENNIFER L.
LARSON IN SUPPORT OF
MOTION FOR ADMISSION
OF KRISTA HARRIS
CHEATHAM *PRO HAC*
VICE PURSUANT TO
LOCAL CIVIL RULE 1.3(c)**

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

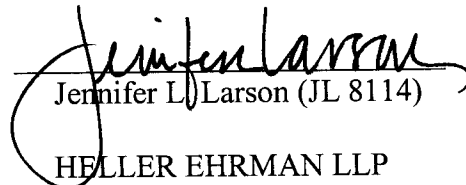
Jennifer L. Larson, being duly sworn, deposes and says:

1. I am associated with the law firm of Heller Ehrman LLP, attorneys for Plaintiff Philip Morris USA Inc. in the above-captioned action. I am admitted to practice in the Courts of the State of New York and before the United States District Court for the Southern District of New York. I submit this affidavit in support of the motion by Philip Morris USA Inc. pursuant to Local Civil Rule 1.3(c) of the Local Rules for the Southern and Eastern Districts of New York for entry of an order to admit Krista Harris Cheatham *pro hac vice* to this Court to permit her to appear, argue and try in whole or in part the above-captioned civil action on behalf of Philip Morris USA Inc.

2. Ms. Cheatham is an Associate in the Washington, DC office of Heller Ehrman LLP. As detailed in Ms. Cheatham's accompanying Affidavit, Ms. Cheatham is a member in good standing of the Bars of the State of New York, the State of California and the District of Columbia. True and correct copies of Certificates of Good Standing issued by the Clerk of the

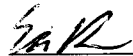
Supreme Court, Appellate Division, Third Department dated July 9, 2008, the Custodian of Membership Records of the State Bar of California dated July 10, 2008, and the Clerk of the District of Columbia Court of Appeals dated July 15, 2008 are annexed to Ms. Cheatham's Affidavit and incorporated herein by this reference.

WHEREFORE, Philip Morris USA Inc. respectfully requests that this Court enter an order, pursuant to Local Civil Rule 1.3(c), admitting Krista Harris Cheatham *pro hac vice* to appear, argue and try in whole or in part the above-captioned civil action on behalf of Philip Morris USA Inc.


Jennifer L. Larson (JL 8114)

HELLER EHRMAN LLP
Times Square Tower
7 Times Square
New York, New York 10036
Telephone: (212) 832-8300
Facsimile: (212) 763-7600

Sworn to me before this
24 day of July 2008



Notary Public

2010

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PHILIP MORRIS USA INC.,

Plaintiff,

v.

A & V MINIMARKET, INC., a New York Corporation
doing business as A & V MINI MARKET, et al.,

Defendants.

Case No. 07 Civ. 8359
(LAK)(GWG)

ECF CASE

**AFFIDAVIT OF KRISTA
HARRIS CHEATHAM
IN SUPPORT OF MOTION
FOR ADMISSION *PRO
HAC VICE* PURSUANT TO
LOCAL CIVIL RULE 1.3(c)**

WASHINGTON)
DISTRICT OF COLUMBIA) ss:
)

Krista Harris Cheatham, being duly sworn, deposes and states as follows:

1. I am associated with the law firm of Heller Ehrman LLP. I respectfully submit this affidavit in support of the motion for my admission *pro hac vice* to appear on behalf of Plaintiff Philip Morris USA Inc. in the above-captioned action.

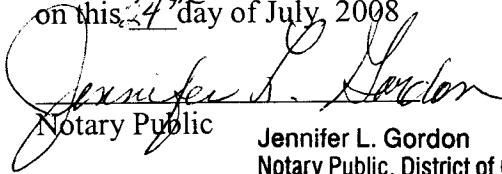
2. I am a member in good standing of the Bars of the State of New York, the State of California and the District of Columbia. True and correct copies of Certificates of Good Standing issued by the Clerk of the Supreme Court, Appellate Division, Third Department dated July 9, 2008, the Custodian of Membership Records of the State Bar of California dated July 10, 2008, and the Clerk of the District of Columbia Court of Appeals dated July 15, 2008 are attached hereto.

3. There are no disciplinary proceedings against me in any court or jurisdiction.

4. If admitted *pro hac vice*, I will abide by all rules of this Court.


Krista Harris Cheatham

Sworn to before me and subscribed in my presence
on this 24th day of July, 2008


Notary Public

Jennifer L. Gordon
Notary Public, District of Columbia
My Commission Expires 01/01/2011



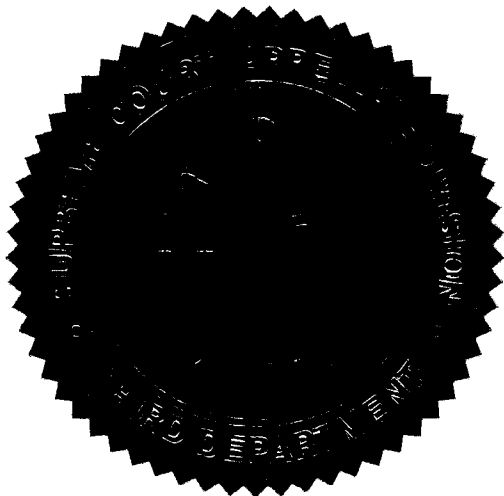
State of New York
Supreme Court, Appellate Division
Third Judicial Department

I, Michael J. Novack, Clerk of the Appellate Division of the Supreme Court of the State of New York, Third Judicial Department, do hereby certify that

Krista Harris Cheatham

having taken and subscribed the Constitutional Oath of Office as prescribed by law, was duly licensed and admitted to practice by this Court as an Attorney and Counselor at Law in all courts of the State of New York on the 30th day of January, 2002, is currently in good standing and is registered with the Administrative Office of the Courts as required by section four hundred sixty-eight-a of the Judiciary Law.

*In Witness Whereof, I have hereunto set my hand
and affixed the Seal of said Court, at the
City of Albany, this 15th day of July,
2008.*



Michael J. Novack

Clerk



THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

July 15, 2008

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, KRISTA HARRIS CHEATHAM, #231173 was admitted to the practice of law in this state by the Supreme Court of California on June 3, 2004; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Kath Lambert", is written over a horizontal line.

Kath Lambert
Custodian of Membership Records



District of Columbia Court of Appeals
Committee on Admissions
500 Indiana Avenue, N.W. — Room 4200
Washington, D. C. 20001
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

KRISTA H. CHEATHAM

was on the 1ST day of NOVEMBER, 2002

duly qualified and admitted as an attorney and counselor and entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on July 15, 2008.

GARLAND PINKSTON, JR., CLERK

By: _____

M. Charles

Deputy Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Philip Morris USA Inc., Plaintiff,

07 cv 8359 (LAK)(GWG)

- against -

A & V Minimarket, Inc., et al. Defendants.

**ORDER FOR ADMISSION
PRO HAC VICE
ON WRITTEN MOTION**

Upon the motion of Jennifer L. Larson attorney for Philip Morris USA Inc.
and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that

Applicant's Name: Krista Harris Cheatham
Firm Name: Heller Ehrman LLP
Address: 1717 Rhode Island Avenue, NW
City/State/Zip: Washington, District of Columbia 20036
Telephone/Fax: (202) 912-2000
Email Address: Krista.Cheatham@hellerehrman.com

is admitted to practice pro hac vice as counsel for Philip Morris USA Inc. in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated: 7/28/2008
City, State: New York, NY

United States District/Magistrate Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
PHILIP MORRIS USA INC.,

Plaintiff,

07 Civ. 8359 (LAK)
(CGWG)

v.

**AFFIDAVIT OF
SERVICE**

A & V. MINIMARKET, INC., a New York
Corporation doing business as A & V MINI
MARKET, et al.,

Defendants.

-----X
STATE OF NEW YORK)

)

ss.:

COUNTY OF NASSAU)

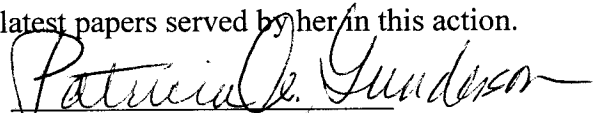
PATRICIA A. GUNDERSON, being duly sworn, deposes and says:

That she is over the age of 21 years, resides at Sunnyside, New York and is not a party to
this action.

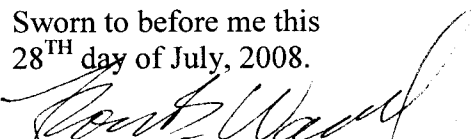
That on the 28th day of July, 2008, she served the within Notice of Motion for Admission
of Krista Harris Cheatham *Pro Hac Vice*, Affidavit of Jennifer L. Larson, Affidavit of Krista
Harris Cheatham and Exhibits "A" through "C" upon the parties listed on the attached Southern
District of New York Service List, by depositing a true copy thereof in a properly sealed wrapper
in a post office box regularly maintained by the Government of the United States, located on
the premises at 100 Quentin Roosevelt Boulevard, Garden City, New York 11530 addressed as
follows:

See Attached Service List.

those being the addresses designated on the latest papers served by her in this action.


PATRICIA A. GUNDERSON

Sworn to before me this
28TH day of July, 2008.



Notary Public

THOMAS B. WASSEL
Notary Public, State of New York
No. 02WA4832765
Qualified in Nassau County
Commission Expires Aug. 31, 2009

SERVICE LIST SDNY

A&V MiniMarket, Inc.
A&V Mini-Market
1166 Pugsley Avenue
Bronx, NY 10472
June 6, 2007
Marlboro

Timothy Alinwick, Esq.
Attorney for Abdo K.S. Nagi,
A.M.Grocery-DeliAbdo
111 Atlantic Avenue Suite 1R
Brooklyn, new York 11201
718-243-2833
Fax: 718-834-6161
e-mail: tpaln@hotmail.com

Gourmet Deli Grocery Corp.
Gourmet Deli
770 Hunts Point Avenue
Bronx, NY 10474
May 22, 2007
Marlboro

La Favorita Deli Grocery Corp.
La Favorita Deli Grocery
3515 Rochambeau Avenue
Bronx, NY 10459
May 15, 2007
Marlboro

University Food Market Corp.
University Food Market Corp.
1538 University Avenue
Bronx, NY 10452
April 15, 2007
Marlboro

F&J Deli Delight, Inc.
F&J Deli
768 Castle Hill Avenue
Bronx, NY 10473
June 5, 2007
Marlboro

Carl Person, Esq.
Attorney for Francisca Santiago,
Lopez Fruit & Vegetable Market
325 W. 45th Street
Suite 201
New York, New York 10036
212-307-4444
Fax: 212-307-0247
e-mail: carlpers@ix.netcom.com

Felciano Lopez
Lopez Fruit & Vegetable Market
600 Southern Boulevard
Bronx, NY 10455
April 28, 2007
Marlboro

Gold Mine Grocery, Inc.
Goldmine Grocery
1288 Washington Avenue
Bronx, NY 10456
April 25, 2007 and May 24, 2007
Marlboro

Uptown Deli & Grocery Corp.
Taiz Grocery
5 E. Gunhill Road
Bronx, NY 10467
May 14, 2007
Marlboro

Stephen Edwards, Esq.
Attorney for Harlem Carniceria Hispana & Deli, Inc.,
Harlem Carniceria Hispana & Deli
Law Offices of Stephen Edwards
100 Ocean Parkway, Suite #2B
Brooklyn, New York 11218
Fax: 718-422-0183
e-mail: stephenwedwards@juno.com

I & I Convenience Store, Inc.
I & I Convenience Store
804A E. 180th Street
Bronx, NY 10460
May 28, 2007

Marlboro

Inkona News Stand, Inc.
Ink on A
66 Avenue A
New York, NY 10009
May 4, 2007
Marlboro

J&B Deli Grocery Corp.
J&B Deli Grocery Corp.
2344 Lorillard Place
Bronx, NY 10458
June 19, 2007
Marlboro

TW Deli & Grocery Corp.
Jerome Deli Grocery
1759 Jerome Avenue
Bronx, NY 10453
June 5, 2007
Marlboro Lights

Hafiz Abdulla Saidi
Jumbo Deli Grocery
1300 Lafayette Avenue
Bronx, NY 10474
June 5, 2007
Marlboro

K & G Deli Grocery, Inc.
K & G Deli
9 W. 183rd Street
Bronx, NY 10453
April 27, 2007
Marlboro

Leena Deli & Grocery Corp.
Leena Deli & Grocery
1616 Bruckner Boulevard
Bronx, NY 10473
June 6, 2007
Marlboro

Menzal S. Azookari
Southern Blvd. Deli
901 Southern Boulevard
Bronx, NY 10459
May 15, 2007
Marlboro

Mannys Mini Market, Inc.
Mannys Mini Market
1405 Townshend Avenue
Bronx, NY 10452
April 15, 2007
Marlboro

Juana Suazo
Mateo Grocery
1160 Fteley Avenue
Bronx, NY 10472
June 6, 2007
Marlboro and Marlboro Lights

174th Street Melissa Food Center Corp.
Melissa Grocery
1004 E. 174th Street
Bronx, NY 10460
June 18, 2007
Marlboro

Matthew Food Center Corp.
Matthew Deli Food Center
2085 Valentine Avenue
Bronx, NY 10457
May 5, 2007
Marlboro

315 Grocery Corp.
315 Grocery & Candy
315 E. 194th Street
Bronx, NY 10458
June 19, 2007
Marlboro

Morris Ave. Food Mart Corp.
Morris Ave. Food Mart
980 Morris Avenue
Bronx, NY 10456
March 30, 2007 and May 10, 2007
Marlboro

Bronx #1 Discount Grocery Corp.
NY #1 Discount Grocery
192 E. 167th Street
Bronx, NY 10456
May 13, 2007
Marlboro

Adel Elsaidi
NY Best Deli Grocery
721 Burke Avenue
Bronx, NY 10455
May 12, 2007
Marlboro

Secondino Olivo
Olivo Grocery
280 St. Anns Avenue
Bronx, NY 10454
April 28, 2007
Marlboro

Antero Olivo
Olivo Grocery
280 St. Anns Avenue
Bronx, NY 10454
April 28, 2007
Marlboro

Ali Omran
Omran Grocery
2285 1st Avenue
New York, NY 10035
April 22, 2007
Marlboro

Francis Giordano, Esq.
Attorney for Paradise Deli Grocery,
Hajji Deli Grocery, Inc.

26 Court Street
Brooklyn, New York 11242
718-875-1991
Fax: 718-875-2054

R H S Grocery, Inc.
RHS Deli Grocery
1223 Boston Road
Bronx, NY 10460
May 26, 2007
Marlboro and Marlboro Lights

Miguel Rodriguez
Rodriguez Deli Grocery
1131 Havemeyer Avenue
Bronx, NY 10462
May 25, 2007
Marlboro

Solfis Zesarina Guerrero De Ortiz
Tonys Family Grocery
526 E. 183rd Street
Bronx, NY 10458
June 20, 2007
Marlboro

S & P News
74 St. and Broadway N.W. Corner
New York, NY 10023
April 16, 2007
Marlboro

Ramon Salcedo
Salcedo Grocery
1150 Anderson Avenue
Bronx, NY 10452
April 17, 2007
Marlboro

Majmud Salej
Salej Grocery
646 E. 241st Street
Bronx, NY 10470
June 8, 2007
Marlboro

Sammy's II Deli Grocery, Inc.
4052 White Plains Road
Bronx, NY 10466
May 18, 2007
Marlboro

Victor J. Molina, Esq.
Attorney for San Juan Food Market, Inc.,
San Juan Food Market
247 East 149th Street
Bronx, New York 10451
718-401-1600
Fax: 718-401-1611
e-mail: V.J.Molina@Verizon.net

Waddah Almawri
W.A. Deli Grocery
2039 Grand Concourse
Bronx, NY 10453
April 27, 2007
Marlboro

Steven Deli Market
Steven Deli Supermarket Corp.
1135 Olmstead Avenue
Bronx, NY 10472
June 6, 2007
Marlboro Lights and Marlboro

Kianely Food Corp.
1386 Nelson Avenue
Bronx, NY 10452
April 18, 2007
Marlboro

Vega's Deli Grocery, Inc.
New Watson Food Market
1580 Watson Avenue
Bronx, NY 10472
June 6, 2007
Marlboro

University Deli & Grocery Corp.
University Deli
1705 University Avenue
Bronx, NY 10453
May 8, 2007
Marlboro

Enrique A. Leal, Esq.
Attorney for 456 East W.A. Deli & Grocery, Inc.,
WA Grocery
P.O. Box 759
New York, New York 10033
212-927-5972
Fax: 212-781-8344

Gamil Hassan
West Farm Deli Grocery
1002 E. Tremont Avenue
Bronx, NY 10460
April 28, 2007
Marlboro

Ali Saeed
Yemen King Deli
323 E. 108th Street
New York, NY 10029
May 16, 2007
Marlboro

JJP Food Center Inc.
1086 JJP Food Center Inc.
1086 Boston Road
Bronx, NY 10456
April 21, 2007
Marlboro

394 Grocery Corp.
394 Grocery
394 E. 167th Street
Bronx, NY 10456
April 25, 2007
Marlboro

676 Castle Hill Gomez Grocery Corp.
676 Castle Hill Deli
676 Castle Hill Avenue
Bronx, NY 10473
June 5, 2007
Marlboro

Latin Grocery LLC
961 Deli Grocery
961 E. 165th Street
Bronx, NY 10456
April 28, 2007
Marlboro